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c 392 Public Vehicles Act

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CHAPTER 392

The Public Vehicles Act**1.** In this Act,Interpre-
tation

- (a) "Board" means the Ontario Highway Transport Board;
- (b) "compensation" includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly;
- (c) "Department" means the Department of Transport;
- (d) "highway" means a highway as defined in *The Highway Traffic Act*; R.S.O. 1970,
c. 202
- (e) "Minister" means the Minister of Transport;
- (f) "operating licence" means a public vehicle operating licence issued under this Act;
- (g) "public vehicle" means a motor vehicle operated on a highway by, for or on behalf of any person for the transportation for compensation of passengers, or passengers and express freight that might be carried in a passenger vehicle, but does not include the cars of electric or steam railways running only upon rails, taxicabs, nor motor vehicles operated solely within the corporate limits of one urban municipality;
- (h) "regulations" means the regulations made under this Act;
- (i) "taxicab" means a motor vehicle as defined in *The Highway Traffic Act* having a seating capacity of not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip;
- (j) "toll" means any fee or rate charged, levied or collected by any person for the carriage of passengers and express freight by a public vehicle;
- (k) "vehicle licence" means a public vehicle licence issued under this Act. R.S.O. 1960, c. 337, s. 1.

2.—(1) Notwithstanding the provisions of any private Act, no person shall operate a public vehicle,

Operating
licence
required

- (a) except under an operating licence; or
- (b) in contravention of the terms and conditions of the operating licence.

Vehicle
licence
required

(2) Notwithstanding the provisions of any private Act, no person shall operate a public vehicle unless the vehicle is licensed as a public vehicle under this Act.

Advertising
by unlicensed
persons

(3) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of passengers by means of a vehicle operated on a highway by, for or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for or on behalf of whom the vehicle is operated is licensed under this Act to perform the transportation that is the object of such advertising or undertaking. R.S.O. 1960, c. 337, s. 2.

Approval
of Board

3.—(1) No operating licence shall be issued without the approval of the Board being first obtained as evidenced by the Board's certificate of public necessity and convenience furnished to the Minister, and then only in accordance with the certificate.

Renewal
of licence

(2) The approval of the Board to a renewal of a licence is not required unless the Minister refers the application for renewal to the Board.

Transfer
of licence

(3) The Minister may refer any application for the transfer of an operating licence to the Board.

Alteration
of licence

(4) The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed.

Powers of
Board

(5) On any application or reference to the Board, the Board has and may exercise all powers necessary for the purposes of this Act, and may give or refuse such certificate and make such order as it considers just. R.S.O. 1960, c. 337, s. 3.

Issue or
transfer
of shares
of corpora-
tion

4. The Minister may in his discretion require the directors of a corporation that is the holder of an operating licence to present to the Board for approval any issue or transfer of shares of its capital stock and, where in the opinion of the Board a substantial interest is issued or transferred, such issue or transfer shall be deemed to constitute a transfer of all operating licences held by such corporation. R.S.O. 1960, c. 337, s. 4.

Issue of
licences

5. Operating and vehicle licences shall be issued by the Minister and are subject to the regulations and the terms and conditions in the licence. R.S.O. 1960, c. 337, s. 5.

Special
rights

6. An operating licence may confer special, exclusive or limited rights with respect to the operation of public vehicles and with

respect to any highway or highways or portions thereof described in the licence. R.S.O. 1960, c. 337, s. 6.

7.—(1) A vehicle licence may fix the number of passengers or tonnage of express freight, or both, that the vehicle may carry and, subject to subsection 1 of section 16, no vehicle shall at any time carry more passengers or more tonnage than is fixed by the licence.

Number of
passengers
and tonnage
of freight

(2) Every public vehicle shall, while operated on a highway, have attached thereto and exposed in a conspicuous position a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year. R.S.O. 1960, c. 337, s. 7.

Licence
plate to
be plainly
exposed

8.—(1) Subject to subsections 2 and 3, a person holding an operating licence may operate his vehicle in and through any municipality covered by the licence without holding a licence or complying with the rates or fares prescribed under any by-law of any such municipality.

Municipal
licence and
fares,
when not
applicable

(2) Where such a person takes on passengers or express freight within the limits of an urban municipality and discharges such passengers or express freight within the limits of that municipality, he may be required to obtain a licence under a by-law of that municipality and shall, as to such passengers and express freight, comply with any tariff of fares or rates established by by-law of that municipality.

when
applicable

(3) The council of any such municipality may, with the approval of the Minister, designate by by-law the streets within the municipality over which the person holding the licence may operate his vehicle. R.S.O. 1960, c. 337, s. 8.

Designation
of streets

9. The council of any city may pass a by-law requiring a person holding an operating licence who operates a public vehicle over a route partly within and partly without the limits of the city to pay to the city a fee or charge not being in the nature of a licence fee, and the by-law shall not come into effect until approved by the Minister who shall fix the fee to be charged. R.S.O. 1960, c. 337, s. 9.

Payment
of annual
charge
to city

10.—(1) No tolls shall be charged until a tariff thereof has been filed with and approved by the Minister, nor shall any tolls be charged under any tariff or portion thereof not approved by the Minister.

Tolls

(2) A tariff of tolls approved by the Minister is subject to revision by the Minister at any time, and no tolls shall thereafter be charged except in accordance with the revised tariff. R.S.O. 1960, c. 337, s. 10.

Tariffs
subject to
revision by
Minister

Cancellation
and
suspension
of licences
R.S.O. 1970,
c. 202

11. The Minister may at any time cancel or suspend any licence by reason of a breach of this Act or *The Highway Traffic Act* or of the regulations hereunder or thereunder, or for any reason set out in the regulations. R.S.O. 1960, c. 337, s. 11.

Transfer
of licences

12. No operating licence shall be transferred except with the written approval of the Minister. R.S.O. 1960, c. 337, s. 12.

Prohibition
as to
drinking

13. No driver or operator of a public vehicle carrying passengers shall drink any intoxicating liquor during the time he is on duty, or at any time use intoxicating liquor to excess. R.S.O. 1960, c. 337, s. 13.

Smoking

14. No driver or operator of a public vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance while driving the vehicle. R.S.O. 1960, c. 337, s. 14.

Right of
person to be
transported

15. Subject to the conditions of the operating licence, no driver or operator of any public vehicle shall refuse to carry any person offering himself at any regular stopping place for carriage and who tenders the regular fare to any regular stopping place on the route of the vehicle or between the termini thereof, unless at the time of such offer the seats of the vehicle are fully occupied, but the driver or operator of a public vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane or obscene language. R.S.O. 1960, c. 337, s. 15.

Passengers
not to be
allowed on
running
board, etc.

16.—(1) No driver or operator shall allow passengers to ride on the fenders or any other part of a public vehicle other than the seats thereof, except that a vehicle may carry as standing passengers in the aisles thereof not more than one-third the number of persons for which seats are provided.

Restrictions
as to
seating

(2) No driver or operator of a public vehicle shall permit or allow on the front seat of the vehicle more passengers than the seat is designed to carry, exclusive of the driver, or permit or allow any passenger to occupy any other portion of the vehicle forward of the back of the driver's seat.

Beside
driver

(3) No passenger shall be allowed to sit on the front seat to the left of the driver of a left-hand drive motor vehicle, or to the right of the driver of a right-hand drive motor vehicle. R.S.O. 1960, c. 337, s. 16, *amended*.

Trailers
prohibited

17. Except when specially authorized by the Minister, no person shall operate a public vehicle with any trailer or other vehicle attached thereto, but where a vehicle becomes disabled on a trip and is unable to proceed on its own power, the vehicle may

be towed to the nearest point where repair facilities are available. R.S.O. 1960, c. 337, s. 17.

18. A public vehicle shall not carry or transport any luggage, baggage, package, trunk, crate or other load that extends beyond the body limits of the vehicle. R.S.O. 1960, c. 337, s. 18, *amended*. Luggage

19.—(1) Every public vehicle shall have at least two doors or exits, one of which, to be used only in an emergency, shall be at the rear of the vehicle or near the rear on the left side of the vehicle. Exits

(2) The Lieutenant Governor in Council may make regulations prescribing exits to be used only in an emergency in lieu of those required in subsection 1. R.S.O. 1960, c. 337, s. 19. Regulations

20. Every person licensed under this Act shall provide or effect and carry such insurance or bond as is prescribed by the regulations. R.S.O. 1960, c. 337, s. 20. Insurance

21.—(1) Every insurer who has issued a policy of insurance in accordance with section 20 shall issue a certificate thereof which shall be filed with the Minister. Certificate of insurance

(2) Such certificate shall be deemed to be a conclusive admission by the insurer that the policy has been issued and is in accordance with the terms of the certificate. Effect of certificate

(3) Every insurer shall notify the Minister in writing of the cancellation or expiry of any policy for which a certificate has been issued at least thirty days before the effective date of the cancellation or expiry, and in the absence of such notice of cancellation or expiry, the policy remains in full force and effect. R.S.O. 1960, c. 337, s. 21. Notice of cancellation or expiry of insurance

22. A bond issued in accordance with section 20 shall not be cancelled or expire except after thirty days written notice to the Minister, but not after the happening of an injury or damage secured by the bond as to such accident, injury or damage, and the bond shall be filed with the Minister. R.S.O. 1960, c. 337, s. 22. Cancellation or expiry of bond

23. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200. R.S.O. 1960, c. 337, s. 23 (1); 1968-69, c. 104, s. 1. Offences

24. No prosecution shall be instituted under this Act without the consent of a member of the Ontario Provincial Police Force or of an officer of the Department designated by the Minister to assist in the enforcement of this Act. R.S.O. 1960, c. 337, s. 24. Consent to prosecutions

Regulations

25. The Lieutenant Governor in Council may make regulations,

- (a) governing the issue, renewal, transfer, suspension and cancellation of licences;
 - (b) prescribing fees and the basis for computing fees, and respecting payment thereof;
 - (c) prescribing terms and conditions to which licences shall be subject;
 - (d) fixing the form, amount, nature, class, terms and conditions of insurance or bond that shall be provided and carried by persons licensed under this Act;
 - (e) prescribing the terms and conditions of cancellation, expiry, renewal, extension and notice of cancellation respecting such insurance or bonds;
 - (f) governing the filing of bonds and certificates of insurance;
 - (g) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;
 - (h) providing for the examination of public vehicles, their contents and equipment by officers of the Department and members of the Ontario Provincial Police Force;
 - (i) prescribing, regulating and limiting the hours of labour of drivers of public vehicles;
 - (j) prescribing the qualifications of drivers of public vehicles;
 - (k) prescribing the condition in which public vehicles shall be kept, and prescribing the equipment to be carried by public vehicles and the condition and location in which the equipment shall be kept;
 - (l) defining chartered trips, special trips, and school buses, and prescribing special terms and conditions with respect to such trips and buses;
 - (m) providing for the delegation to an officer of the Department of such of the powers and duties of the Minister as may be considered necessary;
 - (n) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 337, s. 25.
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